

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Cheol Kim Art Unit : 3713
Serial No. : 09/254,058 Examiner : Kathleen M. Mosser
Filed : June 14, 1999 Action Date : January 31, 2008
Title : CAPTION TYPE LANGUAGE LEARNING SYSTEM USING CAPTION
TYPE LEARNING TERMINAL AND COMMUNICATION NETWORK

RECEIVED

CENTRAL FAX CENTER

APR 30 2008

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Fax: 571-273-8300

Renewed Petition under 37 C.F.R. §1.137(b)

Dear Sir or Madam:

This is in response to Decision Notice of January 31, 2008 re the above-referenced application. Applicant had submitted a Petition to Rcvive *Unintentionally* Abandoned Application under 37 CFR 1.137(b) together with an amendment, to which the Office of Petition dismissed the petition. A renewed petition was submitted and the petition examiner has dismissed it, citing lack of a proper statement of intentional delay. Applicant respectfully requests reconsideration to grant the petition with reference to the following statement..

The Commissioner is hereby authorized to charge additional fees, if any, or credit any overpayment to Deposit Account No 50-3566.

Application No.09/254,058

Attorney Docket: 2016-11

Requirements of a Proper Statement of Unintentional Delay

A grantable petition under 37 CFR 1.137(b) requires: (1) the replay; (2) the petition fee under 37 CFR 1.17(m); (3) *a statement that the entire delay was unintentional*; (4) a terminal disclaimer under 37 CFR 1.137(d). The Petition Examiner has dismissed the renewed petition, stating it lacks *item (3)*. The Applicant respectfully submits *the delay and abandonment of the instant application was unintentional* as disclosed further below.

Abandonment or Delay was Unavoidable and/or Unintentional

The past attorneys of record *Warner Norcross & Judd LLP* (WNJ) seems to be uncooperative. Our associate Mr. Won-Joon Kim (Kim), a patent attorney of *Leaders P.L.C.* in South Korea, confirms that they did request a statement of the instant application, in response to which WNJ has raised old issues of attorney fees that they allegedly did not receive from the applicant or applicant's then local counsel *Youme Patent Law Firm* (Youme) in South Korea, stating WNJ does not want to issue a statement regarding this case even though the years old attorneys fees are fully remitted.

Kim urged the applicant/assignee *Kyu Jin Park* (Park) to contact Youme to produce a statement of this case. Youme seems not to be cooperative, either. Park says Youme repeats they don't have records.

Park himself states that his business has been in sinusoidal waves over the past years and that from time to time he could not pay attorney fees in time although he promised timely payment. Park says he agrees that he requested continuation application to the attorney at Youme but he adds that his business suffered thereafter and income plummeted and he could not pay attorneys fees for more than two years until his business survived and came back to normal. The transaction record shows continuation was filed (April 2, 2004) on the same date when the three month extension fee was paid (April 2, 2004). When he came out of his two year old business recession and contacted Youme, the instant application was abandoned. He argued with Youme and then changed attorneys to Kim in South Korea. Applicant respectfully submits that *no intentional* part involved throughout the transactions of the instant application.

Petition Now Grantable

As discussed above, we believe the petition is now under condition for grant. Applicant submits that the application was initially abandoned owing to *unavoidable* communication problems. One step back, the delay and abandonment was *at least unintentional* for the reason stated above.

Application No.09/254,058

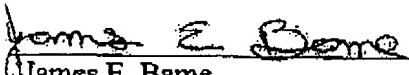
Attorney Docket: 2016-11

Conclusion

Applicant's initial approach to file a petition based upon *unavoidable* abandonment was dissuaded due to burden of English translation that would generate other language-oriented miscommunications. *IPLA P.A.* the current attorney recommended an unintentional-base petition under 37 CFR 1.137(b) over an unavoidable-base petition 37 CFR 1.137(a) because we knew that the abandonment was close to unavoidable and not at all intentional and that the other approach will result in more attorney fees with less chance of being granted. Applicant respectfully requests reconsideration of the petition and transfer of the amendment to the corresponding Art Unit. If it is believed that a telephone conversation would expedite the decision, the Petition Examiner is invited to contact the undersigned attorney at the number listed below.

Respectively submitted,

Date: April 30, 2008


James E. Bame
Regis. No. 44521
Tel: 213-384-7200
IPLA P.A.
3580 Wilshire Blvd 17th Fl.
Los Angeles, CA 90010